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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,053	07/07/2003	Itshak Carmona	063170.6813	8048
5073 7590 01/04/2007 BAKER BOTTS L.L.P. 2001 ROSS AVENUE SUITE 600 DALLAS, TX 75201-2980			EXAMINER REVAK, CHRISTOPHER A	
			ART UNIT	PAPER NUMBER
			2131	

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	01/04/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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Office Action Summary	Application No. 10/615,053	Applicant(s) CARMONA, ITSHAK	
	Examiner Christopher A. Revak	Art Unit 2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

On page 1, in the "Cross-Reference To Related Applications" section, reference to that this application is a continuation of serial application 10,285,102 filed on October 31, 2002, which is now abandoned is missing.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 19-27 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims recite of a "computer data signal embodied in a transmission medium" which is software alone, and of itself, and does not constitute statutory subject matter.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 2131

4. Claims 5,6,14,15,23,24,32, and 33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 5,14,23, and 32 recite “.....restoring the computer system to substantially a state.....” and it is unclear what constitutes “substantially” rendering the claims indefinite.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Togawa, U.S. Patent 6,240,530.

As per claim 1, it is taught by Togawa of a method for detecting and removing malicious code from a computer system, comprising determining an operating system of the computer system; scanning the computer system for malicious code based on the determined operating system; and detecting the malicious code (col. 4, lines 24-66).

As per claims 2,11,20, and 29, it is disclosed by Togawa of removing the malicious code from the computer system (col. 4, lines 24-26).

As per claims 3,12,21, and 30, Togawa teaches of displaying a message to a user identifying the malicious code (as shown in Figure 12).

As per claims 4,13,22, and 31, Togawa discloses of displaying a message to a user indicating the presence of malicious code in the computer system (as shown in Figure 12).

As per claims 5,14,23, and 32 it is taught by Togawa wherein the removing step further comprises retrieving from a data file, information relating to the detected malicious code, including at least one command for restoring the computer system to a state that existed prior to modification by the malicious code and executing the at least one command for restoring the computer system to substantially a state that existed prior to modification by the malicious code (col. 4, lines 24-66).

As per claims 6,15,24, and 33, it is disclosed by Togawa wherein the data file is retrieved based on a command from the user (col. 4, lines 24-66 and as shown in Figure 12).

As per claims 7,16,25, and 34, Togawa teaches wherein the scanning step further comprises scanning a memory of the computer system in accordance with a memory layout associated with the determined operating system (col. 4, lines 24-66).

As per claims 8,17,26, and 35, Togawa discloses wherein the scanning step comprises dividing memory locations of the computer system into a plurality of memory blocks and scanning predetermined memory blocks in accordance with the determined operating system (as shown in Figure 13).

As per claims 9, 18, 27, and 36, it is taught by Togawa wherein selected memory blocks are not scanned in accordance with the determined operating system (as shown in Figure 13).

As per claim 10, it is disclosed by Togawa of a storage medium including computer executable code for detecting and removing malicious code from a computer system, comprising code for determining an operating system of the computer system; code for scanning the computer system for malicious code based on the determined operating system; and code for detecting the malicious code (col. 4, lines 24-66).

As per claim 19, Togawa teaches of a computer data signal embodied in a transmission medium and including computer executable instructions for detecting and removing malicious code from a computer system, comprising a data signal portion for determining an operating system of the computer system; a data signal portion for scanning the computer system for malicious code based on the determined operating system; and a data signal portion for detecting the malicious code (col. 4, lines 24-66).

As per claim 28, Togawa discloses of a system for detecting and removing malicious code from a computer system, comprising an identifying device adapted to determine an operating system of the computer system; a scanning device adapted to scan the computer system for malicious code based on the determined operating system; and a code identifying device adapted to detect the malicious code (col. 4, lines 24-66).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher A. Revak whose telephone number is 571-272-3794. The examiner can normally be reached on Monday-Friday, 6:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CR


December 21, 2006

CHRISTOPHER REVAK
PRIMARY EXAMINER

